

Ch. Kalina called the September 3, 2020 continuation of the August 6, 2020 Public Hearing to order at 6:36 p.m.

Roll found: Kalina, Dermody, Schneider, Crew, Fischer; Marzullo and Manley were absent

Also in the audience: Trustee Schulte and Zoning Inspector Wilson

Ch. Kalina welcomed everyone to the public hearing and explained that this is a continuation of the public hearing that was advertised on July 23, 2020 and held on August 6, 2020.

Ch. Kalina asked for abstention for any member of the Zoning Commission who may have a conflict of interest. There were none.

Ch. Kalina provided the attendees an overview of the public hearing:

- Per ORC Chapter 519, all text and/or map amendments to Township zoning must go through a specific and well-defined process; part of which ensures the right to public input into the process.
- This meeting is for the purpose of hearing public comments regarding the proposed text amendment additions and associated changes to Chapter 15 pertaining to Temporary Sales and Special Event Regulations.
- Comments can be positive, negative or neutral.
- All who would like to comment must sign in with their names and address. Presenters will be taken in the order in which they signed in. Please note that everyone who wishes to speak will be allowed to speak but the Zoning Commission Public Hearings are limited to 2 hours so please be considerate of other's time.
- Should additional time be needed, a continuance can be noted along with date and time stated.
- All comments must be directed to the Zoning Commission.
- This public hearing is being taped for transcription purposes and written minutes will be the official record of this meeting. Please speak loud and clear.
- Order should prevail throughout this hearing. Debates, argumentative questioning, and/or cross-examining are not allowed.
- Comments must be specific to the topic at hand.
- All comments will also be taken into consideration by the Zoning Commission.

Ch. Kalina stated the purpose of this Text amendment is to revise the Hinckley Township Zoning Resolution in the interest of public health and safety to promote the harmonious use of Temporary Sales and Special Events in our community. The Board's goal is to allow residents and businesses the opportunity to continue to hold these sales or community events, programs and festivals in compliance with updated regulations in an effort to minimize any potential nuisance or adverse safety and environmental impacts of these uses.

Ch. Kalina stated this text amendment is intended to establish zoning regulations that are consistent with the intent of our current text, as some items such as garage sales are virtually unchanged; while developing standards and criteria that do not exist in the current Chapter 15 language. For example, if someone wants to have a music festival the Zoning Inspector has no basis to deny, so that is an essential flaw. We currently have a one size fits all language applying the same set of rules to many activities so the goal was to separate these events. For example, a yard sale or garage sale is a simple straight forward event; however, through discussion with community members and the Board, we discussed the differences between a non-profit holding a fundraiser or a community event sponsored by the Township or another public entity and commercial events, which are each unique, and the way these are addressed needs to be separate.

Ch. Kalina explained that the Board submitted the proposed text amendment to and received comments from Mr. Brian Richter, Medina County Prosecutor, who supplied great feedback to the Township. Mr. Richter commented on the following:

- Temporary Sales is in title but not referenced anywhere in the proposed text amendment.
- Section 15.1 definitions will also be outlined in Chapter 3 of Zoning Resolution, however there is added language in the definitions of Residential Event and Community Event that sets forth maximum duration for each event, to alleviate any difference from Chapter 3 definitions he suggests there be a separate section to outline the duration of each event
- Clarify the terms Special Event and Residential Event because they appear to be broad

Ch. Kalina stated that he and Trustee Schulte participated in the Medina County Planning Services review of the proposed text amendment. Their comments are as follows:

- The Township should consider adding a purpose statement to be consistent with the structure of the zoning resolution in other chapters.
- Section 15.1 definitions should reside in Chapter 3 and not in Chapter 15.
- Delete Section references.

Ch. Kalina stated the proposed text was unanimously approved with modifications by the Medina County Planning Services.

Ch. Kalina stated the County Prosecutor and the Medina County Planning Services gave recommendations that Ch. Kalina incorporated into the proposed text amendment and Ch. Kalina shared copies of that with the Board and audience.

Mr. Manley arrived to the meeting.

Ch. Kalina reviewed the proposed language he prepared incorporating the modifications suggested by the County Prosecutor and the Medina County Planning Services as follows:

- In Chapter 3 definition for Commercial Event he removed the word temporary and changed to similar temporary commercial activities.

- Under Community Event added “shall not include temporary fund-raising events (i.e. fill the boot, car washes, girl scout cookie sales, community garage sale) or school activities on school property.
- Under Residential Event added “Shall not include private weddings, family reunions, funeral ceremonies, graduation parties, holiday gatherings or private parties in residential yards among family and friends.”
- Under Special Event added “Shall not include meetings at established places of worship, elections, organized league sport activities or events conducted in conformity with the approved use of the proposed location.
- Ch. Kalina added a purpose statement for Chapter 15.
- Ch. Kalina proposed they list event types at the beginning of Section 15.1 for reference purposes.
- Created subsections outlining each specific event regulation which are the time limits for the event.
- Under Section 15.5 added “any associated fees” for clarification.

Ch. Kalina asked the Board for their comments regarding the language modifications to Chapter 15.

Ms. Dermody stated she liked the language and she felt it was written very clearly so people could easily understand.

Mr. Schneider asked Zoning Inspector Wilson if it is written clearly for his use and Zoning Inspector Wilson stated it is. Mr. Schneider stated he felt the language is fine.

Ms. Crew stated she felt the proposed language modifications are good.

Mr. Manley stated he felt the language is much clearer.

Mr. Fischer stated the language is very good. Mr. Fischer stated that Section 15.2 - Residential Districts, only applies to events being held for the general public and in the residential event definitions, all examples used are all private events, should they be listed.

Trustee Schulte stated that they are listed to assist Zoning Inspector Wilson with clarification. Discussion followed.

Mr. Fischer questioned if under the definition for Community Events is there confusion regarding fundraisers and the use of temporary fundraisers later. Ch. Kalina stated the word “temporary” can be removed. Discussion followed. Mr. Manley stated that residents always have the Board of Zoning Appeals if they need to request something different.

Mr. Fischer referred to Sections 15.2.2 and 15.3.1 where the maximum number of events is 3 under each section. This would make it possible to have 6 events. Mr. Fischer is fine with this, but wanted to point it out.

Ms. Dermody asked if the language referencing HOA block party will be removed and Ch. Kalina stated yes.

Ch. Kalina turned to the audience for comments.

**Mr. Richard Pearl – Hinckley**

Mr. Pearl stated he thinks the language is excellent but he is concerned with the six sentences beginning with the words “shall not include” they look like sentences without substance. Can this be corrected by using a semicolon and not a period. Ms. Dermody stated they are not full sentences and it could be addressed. Discussion followed.

Ch. Kalina thanked Mr. Pearl for his comments.

**Scott and Lisa Rushworth – 1006 Bellus Road, Hinckley**

Mrs. Rushworth discussed the terminology for Commercial Event, she feels the language for long term and short term special events is confusing.

Ch. Kalina stated there are many different events that cannot be anticipated so the use of the time limits for longer events requires a stricter review. Discussion followed.

Mrs. Rushworth asked if she has a conforming use on her property she is good to go if it is a permitted use. Ch. Kalina stated yes.

Mrs. Rushworth asked if language could be included to state that private events are not included, for clarification purposes. Discussion followed.

Mr. Rushworth stated there are references to i.e. and e.g. – should each be used.

Mrs. Rushworth asked if the 3 day duration is meant to be consecutive. Ch. Kalina stated he will leave that to interpretation by Zoning Inspector. Discussion followed.

Mrs. Rushworth thanked the Board for all their efforts.

**Gary Jennrich – 1672 Skyline Drive, Hinckley**

Mr. Jennrich stated it is a great idea to add language that Special Events are limited to 3 days. He is concerned that Special Events that don't last 3 days don't have to submit a checklist, it would be helpful to have the checklist for every event.

There were no further comments.

Ch. Kalina closed the Public Hearing at 7:34 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2020

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Christopher Kalina, Chairman

\_\_\_\_\_  
Diane Dermody, Vice-Chairman

\_\_\_\_\_  
Bruce Schneider, Member

\_\_\_\_\_  
absent  
Matt Marzullo, Member

\_\_\_\_\_  
Michelle Crew, Member

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Marcus Fischer, Alternate/Member